

## **BELGIAN POLICE, SHARING BEST PRACTICES IN SUSTAINABLE DEVELOPMENT**

**Patrick ZANDERS**

Ladies and Gentlemen,

Let me begin by expressing my gratitude to the organisers for inviting me to speak here today. I'm especially delighted to see how many different organisers there are behind this conference. I believe in co-operation and see it in key position in maintaining and creating conditions for sustainable development.

First of all let me present myself. I am the director international police cooperation of the Belgian federal police and one of the four deputies of the commissioner general Fernand Koekelberg. The directorate international police cooperation is in charge of all international aspects of policing as well on bilateral, multilateral (I refer to the BENELUX cooperation), European Union (Europol, Frontex, Cepol, Schengen, European civil crisis management,...) as on international level (United Nations, INTERPOL,...).

Sustainable development and public awareness

In many countries in an after conflict situation, there is little public discussion on what role the police should play in society, how they should be managed, and what resources they should have. The general public may lack confidence in – and even fear – the police. Improving public awareness of security issues is a starting point for improving relations between the police and the public, creating a national consensus on a reform programme, and building political coalitions to sustain the process.

Civil society can also play more specific roles by facilitating dialogue, monitoring the activities of the police, and expressing views on security policy as well as providing policy advice. The Belgian police model can be one of the best practices to share with the partner countries.

The police is a fundamental part of the broader security and justice sectors. Unprofessional and unaccountable police forces often fail to provide security for local people and can be a root cause of violent conflict. Engaging with the police is particularly crucial to improve the security environment of countries that are emerging from conflict as well as countries in transition to democracy. In many post-conflict countries, the police often have a history of being a tool for repression and public trust in the police is likely to be very weak, hampering efforts to address public safety concerns.

The role of the Belgian police in security sector reform

I will focus my speech by recognising the role of the Belgian police in improving the capabilities of the international community to achieve development goals, promote peace and prevent conflicts.

A crucial factor in the Belgian security sector development policy and crisis management is an effective, multi-stakeholder co-operation and the respect of religions and cultures.

We are no missionaries neither people who want to impose national doctrines to other nations. I will only stress the fact that some Belgian best practices can be exported as such but I will stress at the same time the indispensable requirement to tune Belgian best practices to national culture, practices, policy,...

But Belgian efforts in the area of security sector development need also to be linked to the broader European context and even the United Nations context.

In the end of my speech, I will outline areas where development can improve the effectiveness of world wide police cooperation and thus to create conditions for sustainable security and development.

Security sector developments are widely seen to have a positive effect on economic growth and development. Security is to be seen as boosts of productivity, creators of opportunities for business, facilitators of trade and co-operation between developed and developing countries.

I wish to highlight the importance of the Belgian police bilateral and multilateral security sector development and this conference in bringing together key actors in the field of policing and I am very glad the organisers stressed the need to bring the topic of the security sector development on the agenda.

Belgian police recognizes the potential of sustainable police development aid to promote peace and to prevent conflict which, inter alia, negatively affects achieving development goals.

The directorate international police cooperation is inter alia in charge of facilitating peacekeeping missions, and assisting post conflict peace-building and reconstruction. I see a strong link between sustainable development and sustainable security. Peace is a necessary prerequisite to social and economic development. When talking about crisis management and sustainable development I think it is vital to understand the contexts in which current crisis and conflicts are managed.

Today the international community is responding to an increasing number of political conflicts. The interventions have become ever more complex extending from peace-enforcement to peace-keeping, from policing to nation building and from humanitarian relief to reconstruction and development.

Because of the width of this challenge, the crisis scene is crowded with multiple mediators, civilian agencies, military crisis management forces, development agencies, NGOs, the media and private business, all seeking to make a change.

In many cases, organisational relations and responsibilities are not clearly delineated – such as in the relations between military and civilian operators in both national and international framework. And as no single authority exists that can manage the various responders to crises, international efforts in security sector development are often confused, difficult and even chaotic in the field.

Lessons learned from crisis management operations outline the need for multi-stakeholder co-operation. Multinational systems like the UN, INTERPOL and regional organisations such as European Union, OSCE, NATO and African Union are in key position in dealing with current threats to security and development. I wish to see these organisations working together coherently, effectively, complementing and supporting one another.

In order for this multi-stakeholder co-operation to be credible and effective, it has to include civil-police co-operation at all levels. What is more, awareness needs to be raised among the crisis management community on the impact that involvement of civil society has in promoting human security.

The Belgian integrated police stands ready to work together with INTERPOL, the European Union, UN, international organisations, and local actors to bring about an international commitment and consensus for improvements of policing in promoting peace and preventing conflicts.

#### National deficiencies

My directorate helps to facilitate sharing of information and communication amongst multiple organisations and agencies at national as well at international level working in security sector development and thus aims to increase the multi-stakeholder coordination.

Proper use of the principle of centres of excellence will also have great impact in improving situational awareness in crisis environment where dozens of actors work without knowing enough about each other's activities. The lack of information sharing, stand alone policy of some departments or even project managers in beneficiary countries and associated tools have been noted as key contributing factors in some of national deficiencies in development initiatives. These shortcomings are not only determined on the international scene but also on the national level. In Belgium competencies in the field of security sector reform are divided between different ministers, departments and even a state company. Minister of Foreign Affairs, Minister of Development, Minister of Defence, Minister of Interior, Minister of Justice, Minister of Finance and the state owned enterprise BTC (Belgian Technical Cooperation). In this respect I share a recent statement of the Belgian Minister of foreign affairs De Gucht to give a stronger strategic and coordinating role to the minister of foreign affairs to steer the national policy in security sector reform. If aid, trade, crisis management and diplomatic means are not implemented in a coherent framework, they can have unintended consequences in the field and undermine each other's impact.

To avoid this trap, the interdepartmental coordination should be materialised in strategic and operation specific planning processes, which use a complementary, coherent and conflict sensitive approach.

Belgium needs a security sector Co-ordinating Team approach, and a Comprehensive Planning concept. Within Belgium, but also within the European Union there is a increased need of policy coherence.

This coherence can be strengthened in a number of ways:

- formulating donor policy frameworks for security sector work and establishing co-operative arrangements with key partners;
- addressing security sector issues in donor co-ordination fora such as Consultative Groups, Contact groups and Round Tables;
- incorporating security sector issues into donor country assistance strategies, public expenditure reviews, Comprehensive Development Frameworks, and Poverty

Reduction Strategies.

However, it might take some time before all these initiatives take fully root as a standard way of doing business within and between institutions.

I am proud to state that the actual Belgian police is in certain fields a centre of excellence. But fitting this experience within the security sector reform needs an overall foreign policy strategy within a national, European and United Nations concept.

The Belgian Contribution to security sector reform

I will address now the current state of play of the Belgian police contribution in the security sector reform.

Considering our limited resources the directorate has managed rather well both on paper and on the ground.

We are involved in direct police to police bilateral cooperation programs based on bilateral agreements – memoranda of understanding.

In Africa for example Belgian Security Sector Reform (SSR) programs are running in Burundi and the Democratic Republic of Congo. In the near future bilateral programs will be developed with Rwanda, Uganda, Togo and Benin.

The Belgian police has a special focus on:

- the security of the democratic elections;
- community policing;
- intelligence led policing;
- and the negotiated management of public area's , the Belgian community policing doctrine with regard to crowd management.

But Belgium as member of the European Union is also very active in the field of civil crisismanagement.

What gained birth in Helsinki in 1999 and substance in Feira 2000, took an important step to be more credible and focused in the European Union Civilian Headline Goal 2008 adopted in 2004.

The Headline Goal embodies a planning framework for the civilian capacity-building work, and its scenarios provide basis for the detailed quantitative and qualitative requirements.

These, in turn, help to coordinate and assess national contributions.

Belgium will contribute to European Union civil crisis management with 130 police officers from as well local as federal police units. Next month about 5 extra police officers will be sent to the Democratic republic of Congo and another 30 police officers to Kosovo.

So far, Belgian participation in EU operations has been successful, and the demand for EU presence and action is on the rise. The first lessons from the field are gathered. To give an example, the Belgian experience gives ample support for the principle of multilateralism. If the EU missions wishes to be efficient in their action is it of utmost importance to develop common doctrines on EU level. It is also very important to tune bilateral actions of some member states, the EU actions and the UN actions. The lack of operational coordination between donors for example in Burundi and also in a certain way in the Democratic Republic of Congo leads to confusion and misunderstanding. The European Union and Belgium development department need to work in cooperation with all institutions, governmental and non-governmental actors concerned. I believe the principle of cooperation should be one of the beacons guiding EU external action and the Belgian bilateral contribution.

The Belgian police wants to develop in the near future a more structured operational evaluation process. Continuous and structured assessment is needed. A common methodology should be created with other donors on international level and the European Union for the assessment work to insure coherence.

Dialogue and cooperation with the United States, Canada, Japan, Switzerland, South Africa, and other partners in security sector reform, civil crisis management and in broader peace- and state-building agenda should be enhanced and further institutionalised. In parallel, cooperation, coordination, terminological coherence and tuning the operational doctrine in police matters need to be pursued not only between the donors but also between EU member states.

The Belgian involvement will still need quantitative and qualitative upgrading. The capacity for civil crisis management for example is increasingly in demand. National adaptation is needed, and it entails more focus on the coherence and coordination between branches in the national administration, as well as with other member states and EU institutions. Another challenge is how to maintain EU civilian ethos and a common deontology in the creation of the European strategic culture and operational doctrine.

#### Belgian Expertise

Belgian police is investing especially in training and advise;

- advise on the security of the elections;
- advise on reorganisation of the police services based on the Belgian recent integration in one structure of Belgian police services and the gendarmerie;
- enhance police understanding of the principles of deontology;
- promote understanding and respect for human rights, and accountability within the Ministries of Interior and the police services;
- strengthen regional police co-operation and stability in cooperation inter alia with INTERPOL;

Sensitivities with regard to bilateral and multilateral development strategy in the SSR

The security sector is crucial to political control.

National defence and internal security including the police sector are the traditional cornerstones of state sovereignty.

Governments may have concerns about Belgian police gathering intelligence for their own strategic reasons. They may be concerned about donors passing information to one another. Or they may be apprehensive about pressure to down-size or restructure in ways which they perceive as threatening their ability to guarantee national security. Nor will they want to embark on a lengthy reform process heavily dependent on external expertise and funding if there is any likelihood of the donor pulling out before the job is finished.

This means that both sides have to reach a clear understanding as to their respective intentions and obligations, including entry and exit points. Given the sensitivities this may take time; but it is worth investing resources up-front in building a political coalition to sustain reforms and encourage national ownership.

#### Preconditions for bilateral and multilateral development

At national level

Let me now say a few words about some preconditions for bilateral and multilateral development aid and civil crisis management involvement.

First, Belgium cannot succeed without professional field experts from as well the local police as the federal police. The focus in training and recruitment has turned from quantity to quality and to the availability of trained personnel resources, when called upon. The task is not easy, since operations and projects diverge, and there are no one-size-fits-all requirements.

Pre mission training should be sensitive to the operational environment and mission specific requirements. Accordingly, the content should be continuously reviewed against the evaluation of past missions and the feedback from personnel. Specific training will be organised within BENELUX framework.

One important aspect of professionalism is to cooperate with other relevant actors on the ground. This should be reflected in joint training activities with BENELUX partners and other EU colleagues.

The actual funding mechanisms in Belgium are very bureaucratic. Funds should be available for rapid disbursement and flexible use without losing accountability, and equal competition between providers. In addition, coordination between the civilian and military lines of funding should be sought. The inter-operability of equipment between member states of the European Union is one of the main problems to be urgently solved in the future.

At international level

Security sector reform will not work without strong commitment at the highest levels of government, the military, the police and other influential security and intelligence actors. It is also very important to have the junior ranks on board as the generals. It may take time to build up commitment, and a constituency for change.

Understanding the interests and perspectives of the key stakeholders is essential to identify both champions and opponents of reform.

The starting point for security sector reform will differ from country to country, as will the path the process takes. In many cases fundamental institutional reforms may not be possible until there have been changes to mind-sets and political values.

Belgian police efforts in the field of security sector reform need to:

- take account of resource limits of the Belgian Integrated Police;
- take account of human capacity limitations (especially if other political and economic reforms are in train);
- build on existing institutional capabilities;
- prioritise;
- and especially be politically and from a practical point of view realistic.

A strong focus is necessary on reinforcing the civil and political management of the security sector to improve effectiveness and accountability.

It is very difficult for example like in Burundi, to start with basic training of police officers in a country without improving first of all the effectiveness of the police managers at the highest level. I want to stress that I am not blaming at all the Burundese police and certainly not the

leading officers but maybe an other more coherent policy concept developed by Belgian authorities could be more effective.

The police in the beneficiary countries themselves are likely to want to focus on the improvement of technical proficiency and the budgetary support, but on its own this will not lead to improved efficiency and may not improve security. Nor is it possible to focus just on the civil and political management of the security sector to improve effectiveness and accountability. The police in those countries are unlikely to buy into a programme with no obvious material and financial benefits for them. Sequencing can be particularly difficult where reforms are politically sensitive or the regulatory framework is weak.

In most cases, like in Burundi and the Democratic Republic of Congo the starting point for security sector reform may be to address problems outside the security sector, relating to wider questions of administrative capacity and political governance.

For instance, public expenditure management reform provides an opportunity to subject police spending to fiscal discipline, and for strategic thinking about the appropriate share of the police in the national budget.

In the Democratic republic of Congo for example there is a almost perfect complementarity between some bilateral actions of some Member States , like Belgium, and the actions of European Commission and the Council

The main political challenges in security sector reform are:

- police (and military) disengagement from politics – developing political strategies and constitutional dispensations to facilitate the withdrawal of the police from a formal political role and prevent excessive influence over the political process;
- police disengagement from other non-police roles – the police very often plays significant economic, political and social roles beyond its traditional security remit. This can damage police professionalism.

Based on the Belgian experience with regard to the so called demilitarisation of the Belgian Gendarmerie and the recent reorganisation of police services, security sector reform needs some political and policy choices:

- redefinition of security roles – getting the military out of inappropriate internal security roles and ensuring there is appropriate legislation, political backing and funding to enable the police to fulfil its role effectively;
- civilian policy-making role – creating the bureaucratic structures and human capacities and skills to enable the police to contribute effectively to the formulation of security policy;
- re-professionalisation of the police – developing a complementary set of skills, systems and an ethos within the police so that it can interact effectively with civilian counterparts and fulfil its security functions effectively. In this field also the Belgian national security plan can be considered as a good example of defining security strategy.

Before any commitments Belgian police wants to have answers to some key strategic questions:

- How far is the government able to maintain security throughout the country in a lawful and accountable manner?
- How free is the country from the operation of paramilitary units, private armies, guerrilla forces and 'warlordism'?
- How well is the government informed, organised and resourced to decide and implement defence and security policy?
- How capable is the government in dealing with trans-national and other organised crime?
- How effective is civil control over the armed forces and security services, and how free are the political and judicial systems from their interference?
- How much confidence do people have in the state's capacity to maintain their security?
- What measures, if any, are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

It is useful to identify the broad parameters of the security assessment process. \_ What is the security context? Has the country enjoyed a long period of peace or has it faced external and/or internal conflicts?

What is the political context? Is the military involved directly in politics? Or indirectly where governments have enacted oppressive internal security measures. Do the executive, legislature and judiciary have the capacity and/or the will to exert control over the security sector?

How are relations between the military and civilian policy sectors, and between the military and the police? In many countries, there is a chasm, with each side having only a superficial understanding of the other's activities and interests, and mutual suspicion.

Is there a social demand for security sector reform? If so, how much, and what matters to people most?

#### Priorities in SSR

We identified 7 priority areas of Belgian best practices:

- Building police – public relationship and an operational doctrine taking into account the community policing concept;
- Building strategic planning capacity;
- Strengthening legal and constitutional frameworks;
- Strengthening civil oversight mechanisms;
- Strengthening financial management systems;
- Improving human resource management;
- And improving police ethos;

Building police – public relationship and an operational doctrine based on the community policing concept

In order to overcome the problems in police – public relationship, a different philosophy of policing is needed. The philosophy of community-based policing focuses on communities (the public) and their needs, and regards policing as a service that is provided in an accountable

manner and through respecting human rights. Community-based policing is really democratic policing and supports a broader good governance agenda.

Belgium police promotes the concept of community-based policing to encourage the police to be more responsive to the needs of local communities.

Community-based policing is a long-term process and strategy of changing the overall style of policing. Community-based policing involves the police working in partnership with the community and the community thereby participating in its own policing, with the two working together. This cannot be achieved through a short-term, one-off effort, but needs a sustained and committed engagement from all stakeholders involved.

### Building strategic planning capacity

A national security policy sets the framework for how a country will respond to the key security threats it faces. It identifies the roles that the key security actors will play; provides a reference for parliamentary debate and a basis for validation of structures within the security sector.

The preparation of a security review, is an important step in defining a national security policy.

Two models can be used as best practices.

First of all the Belgian National Security plan based on a national security survey. The Belgian national security plan gives a review of the security environment, identifies the principal internal security threats that a country faces and the options for containing or addressing them.

The European Union Organised Crime Threat Assessment (OCTA) is a second best practice. The OCTA is a core product of the intelligence-led policing concept and its drafting is one of Europol's top priorities. The OCTA should, as its name suggests, develop a threat assessment of current and expected new trends in organised crime across the EU. The assessment is based upon existing knowledge and expertise and it is drawn up in order to enable decision-makers to take the appropriate action to counter the anticipated threat.

To support decision-makers in the best possible way, the OCTA provides a well-targeted qualitative assessment of the threat from OC. The OCTA is based on a multi-source approach, including law enforcement and non-law enforcement contributions. These include various European agencies as well as the private sector. A specific emphasis is put on elaborating the benefits of an intensified public-private partnership. The OCTA helps to close the gap between strategic findings and operational activities. The OCTA helps to identify the highest priorities, which will then be effectively tackled with the appropriate law enforcement instruments. The OCTA suggests strategic priorities, but it needs to be realised that the OCTA itself is not detailed enough to pinpoint specific criminal investigations.

### Legal and Institutional framework

The various police and intelligence actors should operate within a clear legal and institutional framework governing their roles, mandates, and the hierarchy of authority

between them, the legislature and the executive. The Belgian police act makes clear who has external and internal roles respectively, and how internal responsibilities are apportioned. Rules should be enforced through strong political commitment and effective instruments in both the civil domain and the security services.

In many countries there exists a range of ‘non-statutory’ security forces whose role is not covered by national legislation. This can include local militias or private ‘body-guard’ units financed through off-budget sources of public expenditure, and closely linked to political interests. These forces need to be brought within the national legal and security framework.

### Strengthening civil oversight mechanisms

In recent years, European societies have felt an increasing need for security. Indeed, today’s security threats, such as international organised crime, international terrorism and arms proliferation are more present both at national and at international levels.

A democratic oversight of the security sector is required and government measures must be both lawful and legitimate. This oversight should be organised by implementing a series of specific tools intended to ensure political accountability and transparency.

Each country must set up its own specific legal framework for the functioning and supervision of a democratic police force. The credibility of the police will depend on its professionalism and the extent to which it operates in accordance with democratic rules and the utmost respect for human rights.

Given their different mandate and competences, it is important that legislation distinguishes between security and intelligence services on the one hand and law enforcement agencies on the other.

The police must remain neutral and not be subject to any political influence. Transparency is also important if the public is to have confidence in the police and co-operate with them; Police officers must be given training covering humanitarian principles, constitutional safeguards and standards deriving from codes of ethics laid down by international organisations such as the United Nations, the Council of Europe and the OSCE;

Police action must show due regard for the principle of proportionality, particularly during public demonstrations where there is a significant risk of matters getting out of hand; The Belgian Standing Police Monitoring Committee (Committee P for short) and its Investigation Department (Investigation Department P) are a best practice with regard to a model of oversight mechanism.

Since its establishment, Committee P has endeavoured to analyse all practical aspects of police duties that directly concern citizens' fundamental rights and freedoms. Since 1997, it has taken a very close interest in the problem of arrests and incarceration in police stations and the searches and formalities associated with them. The same degree of attention has been paid to the problem of incidents relating to persons under police surveillance. Committee P has tried to raise the awareness of the authorities and those in charge of police services to the special attention that needs to be paid to human dignity during any police action and, more specifically, detention and incarceration.

## Strengthening financial management systems

Where public resources are constrained, police services may resort to off-budget sources of financing through involvement in commercial or criminal activities – especially in poor countries where the government's ability to raise revenue through taxation is limited.

Criminal activities should be brought to an end. Legal activities that are taxable should be taxed. The police should be funded from government revenues: a self-funding police has no reason to submit to civil government control.

Security sector reform may in some cases require an increase in security spending in order to achieve reform objectives. In other cases, governments may decide to re-allocate resources away from the security sector.

A poorly-managed personnel system increases opportunities for corruption and undermines the ability of the security services to manage and control their personnel.

There is a need for stringent procurement procedures to ensure adequate financial control and value for money. External assistance can help to strengthen procurement processes in line with international best practice. This should form a key activity in addressing security sector reform.

## Improving human resource management

Creating the appropriate incentives for police personnel to carry out their jobs properly also requires attention to ensuring appropriate salaries as well as adequate health care and living conditions for police personnel and their families.

Issues of pay and service conditions directly impact on the professionalism of police personnel and are frequently overlooked during the design of reform processes.

## Improving police ethos

A police service needs to establish ethical standards. There are those who believe that the police should simply do what politicians tell them because the politicians are the representatives of the people and decide on behalf of the people what laws should be enforced and how, as well as deciding what the law actually is. A shrewd policeman, however, has heard of the Nuremberg Trials and knows that it is no defence to say "I was only obeying orders". A second view is that the law is clear and the police should enforce it. The problem with this view is that there are so many laws to be enforced and were they all enforced the Criminal Justice System would soon collapse in a state of paralysis.

Every police officer exercises discretion many times a day as to whether to enforce the law or not, whether to notice the breaking of the law, whether to administer a verbal telling-off, there are so many choices a police officer can make. All the research suggests that discretion cannot be supervised by superiors except in very specific areas and for a short period of time. The only person who can supervise a police officer's discretion is the police officer him or herself and to some degree the members of his or her peer group. With the exception of the United Nations code of police ethics there are, however, very few written standards by which a police officer can judge the exercise of his own ethics and thereby his own discretion. Yet, increasingly a police officer is a professional who needs a sense of ethics.

Belgium drafted recently a code of deontology which is in my view a model for all police services and who will be used as a best practice while drafting the Burundese ethical code.

To conclude

Although the relationship between conflict and development is a highly complex one, experience over the last decade has shown that development and humanitarian programmes impact positively or negatively on armed violence, whether they intend to or not. Misplaced humanitarian and development assistance can sometimes inadvertently fuel existing and potential conflicts.

In countries affected by conflict, development practitioners need to have a thorough understanding of the causes and dynamics of conflict so that they can design their programmes and projects in a way that addresses the root causes of conflict and contributes to peace. Failure to do this could result in development fuelling violent conflict. The need for making development assistance conflict-sensitive applies to all types of funding mechanisms, from more macro-level strategies, such as national poverty reduction strategies, to micro-level projects.

During the relatively long period that I have worked in the area of the international police I have become convinced of one thing: the police functioning is as *perpetuum mobile*, always in movement always in development. Of all the important challenges within a society, culture and religion as embedded deeply within a society, need to be taken duly and mostly into account. It are powerful resources for identity and consistency. But they emphasise at the same time the differences between people and countries. In a lot of cases they play a role in endless conflicts. Civilisations embody on the other hand the common portion of the inheritance of humanity. They have not been aimed at the past but at the future.

To conclude, the Belgian police can complement itself on the achievements of construction and operationalisation of SSR programs. However, some caution is needed in order not to make overtly ambitious decisions, overextend resources and take hazardous engagements. At this specific stage of capacity building and in the current international setup, the focus should be clear: achieve greater coherence between all. Ladies and gentlemen, I end as I began.

Belgian police can and will play a major role in the security sector reform. I tried to give you some Belgian examples of best practices. In closing I would like to stress four words that are key words in cooperation: - partnership - mutual respect for culture and religion - commitment - sharing of knowledge. Let us strive to create a universal knowledge society where knowledge is put to the service of peace and prosperity, and where the acquisition of knowledge is possible for every police officer ready to use it for their own personal growth and the growth of the society. Thank you